

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN
CLERK

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NOTICE OF PROPOSED LOCAL RULE 39.0

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached Local Rule 39.0 ("Taxation of Reproduction Costs"). The proposed rule merely codifies current court practice which, in recent years, has been notified to the parties in an "instruction" sheet. Current Local Rule 39 ("Fee Applications") would be re-numbered as Local Rule 39.1.

Simultaneous with this notice, the clerk has adjusted the maximum rates at which costs may be taxed. The schedule of maximum rates at which costs may be taxed is posted on the "Forms & Notices" page of the court's website at www.ca1.uscourts.gov.

The Court of Appeals invites public comments on the proposed amendment. Comments should be received by March 19, 2007, and addressed to:

Office of the Clerk
U.S. Court of Appeals for the First Circuit
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 2500
Boston, Massachusetts 02210

February 16, 2007

Richard Cushing Donovan

Local Rule 39.0. Taxation of Reproduction Costs

- (a) The maximum rate at which costs may be taxed shall be fixed from time to time by the clerk of the court of appeals. See Fed. R. App. P. 39(c). A schedule of Maximum Rates for Taxation of Costs is posted on the court's website at www.cal.uscourts.gov and is available by request to the clerk's office. Costs are taxed at the maximum rates set by the clerk or at the actual cost, whichever is lower.
- (b) Costs may be recovered for reproducing the following number of copies, unless the court directs filing of a different number:
 - (1) **Briefs.** Nine copies of each brief plus two for the filer and two for each unrepresented party and each separately represented party. See Local Rule 31.0(b).
 - (2) **Appendices.** Five copies of each appendix plus one for the filer and one for each unrepresented party and each separately represented party. See Local Rule 30.0(a).
- (c) Requests for taxation of costs must be made on the Bill of Costs form available on the court's website at www.cal.uscourts.gov and by request to the clerk's office, and must be accompanied by a vendor's itemized statement of charges, if applicable, or a statement by counsel if reproduction was performed in-house. Bills of costs must be filed in the clerk's office within fourteen days after entry of judgment, even if a petition for rehearing or other post-judgment motion is filed. See Fed. R. App. P. 39(d)(1). Payment of costs should be made directly to the prevailing party or counsel, not to the clerk's office.